

LICENSING RULES FOR CHILD PLACING AGENCIES

EFFECTIVE 1-1-2001

Bureau of Children and Adult Licensing



State of Michigan
Department of Human Services

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**Department of Human Services
Bureau of Children and Adult Licensing**

CHILD PLACING AGENCIES

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DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND FAMILY LICENSING
CHILD PLACING AGENCIES

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(By authority conferred on the director of the Michigan Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116 and Executive Reorganization Orders Nos. 1996-1, No. 1996-2, 2003-1, and 2004-4, MCL 722.112, 722.115, 722.120, 722.124, 330.3101, 445.2001, 445.2001, and 400.226

R400.12101, R400.12202, R400.12310, R400.12312 and R400.12605 of the Michigan Administrative Code are amended and R400.12214 is added to the Code.

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PART 1. GENERAL PROVISIONS

R 400.12101 Definitions.

Rule 101. As used in these rules:

- (a) "Act" means 1973 PA 116, MCL 722.111 et seq. and known as the child care organization licensing act.
- (b) "Agency" means a child-placing agency as defined in section 1 of the act.
- (c) "Contribution" means the payment of money or donation of goods or services.
- (d) "Department" means the Michigan Department of Human Services.
- (e) "Emergency placement" means a placement that is made in response to a sudden unexpected occurrence which demands immediate action or means a placement that is made before a placement assessment has been completed.
- (f) "Foster child" means a person who meets all of the following criteria:
 - (i) Resides in a foster home.
 - (ii) Is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home to receive care, maintenance, training, and supervision.
 - (iii) Is not related to an adult member of the household by blood, adoption, or marriage.
 - (iv) Has been placed in the home by an agency.
- (g) "Foster home" means foster family home or foster family group home, as defined in section 1 of 1973 PA 116, MCL 722.111 and as addressed in 1997 PA 165, MCL 722.118b.
- (h) "Human behavioral science" means a degree from an accredited college or university equivalent to any of the following:
 - (i) Social work.
 - (ii) Psychology.
 - (iii) Guidance and counseling.
 - (iv) Consumer or community services.
 - (v) Criminal justice.
 - (vi) Family ecology.
 - (vii) Sociology.
- (i) "Independent living" means the placement, by an agency, of a youth who is not less than 16 years old in his or her own unlicensed residence, the residence of an adult who does not have supervisory responsibility for the youth, or in a residence under the control of the agency. The authorized agency or governmental unit retains supervisory responsibility for the youth.
- (j) "Licensing authority" means the administrative unit of the department that has responsibility for making licensing and approval recommendations for a child placing agency.
- (k) "Member of the household" means any person, other than a foster child, who resides in a foster or adoptive home on an ongoing or recurrent basis.
- (l) "Parent" means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.
- (m) "Permanent placement" means that the treatment plan specifies that the foster child will remain in the current foster home until the age of majority.
- (n) "Placement" means moving a child to a foster or adoptive home, to independent living, or from out-of-home placement to another out-of-home placement.
- (o) "Social service supervisor" means a person who supervises a social service worker. A social service supervisor may also function as a social service worker in the temporary absence of the social service worker.
- (p) "Social service worker" means a person who performs social services functions covered by these rules.
- (q) "Staff" means a person who is employed by an agency, a volunteer for the agency, or a person who is under contract to the agency to provide specific services covered by these rules.
- (r) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
- (s) "Willful noncompliance" means that after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007.

R 400.12102 Rule variance.

Rule 102. (1) Upon the written request of an applicant or agency, the department may grant a variance from an administrative rule if the alternative proposed ensures that the health, care, safety, protection, supervision, and needed services of children are maintained.

(2) The decision of the department, including the conditions for which the variance is granted, shall be entered upon the records of the department and a signed copy shall be sent to the applicant or agency. The variance may be time-limited or may remain in effect for as long as the agency continues to ensure that the health, care, safety, protection, supervision, and needed services to children are maintained.

History: Eff. January 1, 2001.

R 400.12103 Staff exception.

Rule 103. An agency who has a person in a position that is regulated by these rules and who was approved before the effective date of these rules shall be considered qualified for the position.

History: Eff. January 1, 2001.

R 400.12104 Public review.

Rule 104. An agency shall make all written policies, procedures, and program statements, required by these administrative rules, available for review by the public.

History: Eff. January 1, 2001.

R 400.12105 Rescission.

Rule 105. R 400.6101 to R 400.6522 of the Michigan Administrative Code, appearing on pages 333 to 348 of the 1980 Annual Supplement to the 1979 Michigan Administrative Code, are rescinded.

History: Eff. January 1, 2001.

PART 2. AGENCY SERVICES

R 400.12201 Department authorization.

Rule 201. An agency shall comply with the provisions of part 2 of these rules to be authorized by the department to provide regulated services.

History: Eff. January 1, 2001.

R 400.12202 Policy and procedures.

Rule 202. An agency shall have and follow written policies and procedures for all of the following:

- (a) Financial stability.
- (b) Facilities.
- (c) Required staff.
- (d) Staff qualifications.
- (e) Staff responsibilities.
- (f) Job descriptions.
- (g) Orientation and training.
- (h) Grievance handling.
- (i) Privacy safeguards.
- (j) Personnel records.
- (k) Record Management.
- (l) Compliance with 1975 PA 238, MCL 621.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007.

R 400.12203 Financial stability.

Rule 203. (1) An agency shall initially and annually develop and implement a plan of financing for the operation of the agency in carrying out its programs and meeting the requirements for licensing. A plan of financing shall include all of the following:

- (a) A listing of all income sources and the anticipated amount of income for the current fiscal year.
 - (b) An annual budget for the current fiscal year.
 - (c) A copy of the income and expenditures from the previous fiscal year.
 - (d) A copy of the nonprofit tax return from the previous fiscal year.
- (2) Subdivision (d) of subrule (1) does not apply to a governmentally operated agency.

History: Eff. January 1, 2001.

R 400.12204 Facilities.

Rule 204. An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.

History: Eff. January 1, 2001.

R 400.12205 Required staff.

Rule 205. (1) An agency shall employ or contract for all of the following staff positions:

- (a) Chief administrator.
- (b) Social service supervisor.
- (c) Social service worker.

(2) An agency shall appoint a chief administrator who possesses at least a bachelor's degree from an accredited college or university and 2 years of experience in a human services organization. An agency shall report a change of chief administrator immediately to the department.

(3) An agency shall appoint a social service supervisor who possesses the qualifications specified in either of the following provisions:

(a) A master's degree from an accredited college or university in a human behavioral science and 1 year of experience as a social service worker in an agency.

(b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which shall have been in an agency.

(4) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.

(5) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule shall meet the requirements for each position.

(6) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (5) of this rule, then the worker shall not supervise his or her own tasks as a social service worker.

(7) An agency shall employ or contract for a sufficient number of competent staff to carry out the provisions covered by these rules. The workload for each staff member shall not be more than any of the following:

- (a) Eight social service workers or social service aides per supervisor.
- (b) Thirty children placed in adoption, child foster care, or independent living per social service worker.
- (c) One hundred certified foster homes per social service worker.

History: Eff. January 1, 2001.

R 400.12206 Staff qualifications.

Rule 206. (1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who is of good character and emotionally stable and who has the ability, experience, education, and training to perform the duties assigned.

(2) An agency shall have a written assessment of all criminal convictions of prospective staff before hiring or assigning a person to a position covered by these rules. The assessment shall take into account the nature of the convictions, when the convictions occurred, and evidence of rehabilitation.

History: Eff. January 1, 2001.

R 400.12207 Staff responsibilities.

Rule 207. (1) An agency shall designate that the chief administrator is responsible for the day-to-day operation of the agency and for ensuring compliance with the applicable provisions of these rules.

(2) An agency chief administrator shall be administratively responsible for all of the following functions:

(a) Not less than once annually, conduct an assessment and verify the agency's compliance with the applicable provisions of these rules.

(b) Develop and implement a written plan to correct, within 6 months, noncompliance identified in subdivision (a) of this subrule.

(c) Assessment of all disrupted and unplanned removals of children from foster homes, independent living, and adoptive homes and correction of the causes of disrupted and unplanned removals.

(d) Develop, maintain, and monitor an outcome measurement system. The measurement system shall contain components that will ensure all of the following:

(i) That the services provided for children, youth, and families comply with the applicable provisions of these rules.

(ii) That positive outcomes for children, youth, and families served are produced.

(iii) That risk to children, youth, and families served is minimized.

(3) An agency shall require that social service workers be directly responsible for all of the following activities:

(a) Placing and supervising children in foster care, adoptive homes, or independent living. Social service workers shall work directly with the children, their families, and other relevant individuals and be primarily responsible for the development, implementation, and review of service plans for the children and their families.

(b) Assessing and certifying private family homes for licensure and supervising the homes.

(c) Conducting adoptive evaluations of private family homes for adoptive placements.

(4) An agency shall require social service aides to be directly responsible to a social service worker or social service supervisor. A social service aide may provide clearly defined support functions, but shall not have responsibility for any of the following:

(a) Case planning.

(b) Selecting placements.

(c) Foster home certification.

(d) Supervisory placement of children in foster care, adoptive placements, or independent living.

(e) Conducting adoptive family evaluations.

History: Eff. January 1, 2001.

R 400.12208 Job descriptions.

Rule 208. (1) An agency shall have a current written job description for each staff position.

(2) Each job description shall contain all of the following information:

(a) Prescribed duties and functions.

(b) Specific education, knowledge, experience, and skills necessary to provide services to children and families served by the agency.

(c) Lines of authority.

(3) An agency shall give copies of job descriptions to staff at the time of employment in a specified position and when the job description is revised.

(4) Practice shall conform to the job description.

History: Eff. January 1, 2001.

R 400.12209 Orientation and training.

Rule 209. (1) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 16 hours of orientation after initial appointment and before assumption of assigned duties.

(2) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 14 hours of training relating to his or her current position within the first year of being assigned to the position.

(3) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 14 hours of planned training relating to his or her current position annually after the time periods specified in subrules (1) and (2) of this rule.

(4) The orientation and training specified in subrules (1) and (2) of this rule for each social service worker shall include all of the following topics:

(a) Characteristics and needs of children and families served by the agency.

(b) Requirements of applicable statutes relating to the services the agency provides that are subject to these rules.

(c) Agency expectations for the social service worker to facilitate and supervise the care of children and to work with families that are served by the agency.

(d) Agency expectations for the social service worker's role and responsibility with foster parents and other persons who provide care or services to children and families served by the agency.

(e) Agency expectations for developing, maintaining, and reviewing initial and updated service plans for children and families served by the agency.

History: Eff. January 1, 2001.

R 400.12210 Grievance handling.

Rule 210. (1) An agency shall have a written grievance handling procedure.

(2) The procedure shall provide for all of the following:

(a) Safeguard the legal rights of children, their families, foster families, releasing parents, and adoptive families served.
(b) Address matters that relate to compliance with the act, rules promulgated under the act, and the agency's written policies and procedures regarding services covered by these rules.

(c) Delineate the method of initiating the procedure.

(d) Specify time frames for decisions.

(3) An agency shall provide a grievant with a written copy of the grievance resolution.

History: Eff. January 1, 2001.

R 400.12211 Privacy safeguard.

Rule 211. (1) An agency shall safeguard the privacy of a child and his or her family.

(2) An agency shall not use a child's identity for publicity purposes unless a positive value accrues to the child.

(3) An agency shall obtain the written consent of a parent or legal guardian before using a child, a picture of a child, or a child's name in any form of agency publicity.

History: Eff. January 1, 2001.

R 400.12212 Personnel records.

Rule 212. (1) An agency shall maintain a personnel record for each staff member.

(2) The personnel record shall contain all of the following information before employment may occur:

(a) Name.

(b) Verification of education.

(c) Work history.

(d) Three references obtained from persons who are unrelated to the staff person.

(e) A record of any convictions as required by R 400.12206(2).

(3) The personnel record shall contain both of the following:

(a) A written evaluation of a staff member's performance within a probationary period or not later than 6 months after the staff member assumes his or her current responsibilities. After the initial evaluation, a written evaluation shall be conducted each year.

(b) A copy of the job description for the staff member's current position.

(4) An agency shall maintain an orientation and training record for staff members.

History: Eff. January 1, 2001.

R 400.12213 Record Management.

Rule 213. An agency shall do all of the following with respect to maintenance of required records:

(a) Protect each record against destruction and damage.

(b) Keep each record in a uniform fashion.

(c) Store and maintain each record in a manner to ensure confidentiality and to prevent unauthorized access.

History: Eff. January 1, 2001.

R 400.12214 Compliance with 1975 PA 238.

Rule 214. An agency shall develop a written plan and implement the plan to assure compliance with 1975 PA 238, MCL 722.621, and known as the child protection law.

History: Eff. March 1, 2007.

PART 3. FOSTER HOME CERTIFICATION

R 400.12301 Department authorization.

Rule 301. (1) An agency shall be authorized by the department to certify foster homes for licensure.

(2) An approved governmental unit shall comply with the provisions of this part to be authorized to certify foster homes for licensure.

History: Eff. January 1, 2001.

R 400.12302 Program statement.

Rule 302. An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of foster care provided.
- (b) Age, race, ethnic background, and specific characteristics of children served.
- (c) Types and numbers of foster homes needed.
- (d) Types of services provided to foster families.
- (e) Geographical area covered.

History: Eff. January 1, 2001.

R 400.12303. Policy and procedures.

Rule 303. (1) An agency shall have and follow written policies and procedures for assessing and certifying foster homes for licensure.

(2) Policies and procedures shall cover all of the following areas and be on forms provided, and in a manner prescribed, by the department:

- (a) Recruitment and retention.
- (b) Certification training.
- (c) Application request.
- (d) Orientation.
- (e) Application submission.
- (f) Records check.
- (g) Initial evaluation.
- (h) Placement agreement.
- (i) Foster parent training.
- (j) Reevaluation.
- (k) License recommendation.
- (l) Borrowed home.
- (m) Special evaluation.
- (n) Foster home record.

History: Eff. January 1, 2001.

R 400.12304. Recruitment and retention.

Rule 304. (1) An agency shall have an ongoing foster home recruitment program to ensure an adequate number of suitable and qualified homes to meet the needs of children served by the agency.

(2) An agency shall develop, implement, and maintain a program of foster home retention that includes foster parent involvement and that identifies the causes of the loss of foster homes and prescribes actions to be taken to retain foster homes.

History: Eff. January 1, 2001.

R 400.12305. Certification training.

Rule 305. An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training provided by the department.

History: Eff. January 1, 2001.

R 400.12306 Application request.

Rule 306. (1) An agency shall document that both of the following conditions are met before providing a person with an application:

- (a) The person expresses a willingness to provide care for the types of children served by the agency.
- (b) The person has received required orientation.

(2) An agency shall document that a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all of the following:

- (a) A copy of the act.
- (b) Administrative rules for foster homes.
- (c) Administrative rules for child placing agencies.
- (d) Good moral character rules.
- (e) The child protection law.
- (f) The children's ombudsman act.
- (g) The agency's program statement.
- (h) The agency's foster care services policies.
- (i) The agency's foster parent training requirements.

(3) An agency shall document that the licensee has been given an application for renewal of the license not less than 30 calendar days before the expiration date of the license.

History: Eff. January 1, 2001.

R 400.12307 Orientation.

Rule 307. An agency foster parent orientation shall consist of all of the following areas:

- (a) Purposes of foster care.
- (b) Characteristics and needs of the children placed by the agency.
- (c) Attachment and separation issues.
- (d) Impact of fostering on the foster family.
- (e) Role of the foster family.
- (f) Licensing process.
- (g) Grievance procedure.
- (h) Importance of a child's family.
- (i) Parent and sibling visits.
- (j) Agency foster care policies and procedures.
- (k) Agency foster parent training requirements.
- (l) Supportive services and resources.
- (m) Provisions of the children's ombudsman act.
- (n) Provisions of the child protection act.

History: Eff. January 1, 2001.

R 400.12308 Application submission.

Rule 308. (1) An agency shall act on a completed and signed application.

(2) An agency shall require both caregivers in a 2-caregiver household to sign the application.

(3) An agency may consider an application withdrawn after 60 days if the applicant fails to cooperate with the completion of the licensing process.

History: Eff. January 1, 2001.

R 400.12309 Records check.

Rule 309. (1) An agency shall, upon receipt of an application, initiate a records check of each applicant and each adult member of the household. The check shall pertain to previous licenses, criminal convictions, and substantiated child abuse and neglect records.

(2) An agency shall, upon receipt of information indicating a lack of good character or suitability on the part of the foster parent, initiate a new records check.

History: Eff. January 1, 2001.

R 400.12310 Initial evaluation.

Rule 310. (1) An agency social service worker shall complete a written initial foster home evaluation before certifying the home for licensure.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

(a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following:

(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.

(ii) Educational history and any special skills and interests.

(iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.

(iv) Physical, mental, and emotional health of each member of the household.

(v) Any history of substance abuse of each member of the household.

(vi) Parenting skills and attitudes toward children.

(vii) Methods of discipline of children.

(viii) Adjustment and special needs of the applicant's own children.

(ix) Strengths and weaknesses of each member of the household.

(x) Experiences with own parents and any history of out-of-home care.

(xi) Reasons for applying to be a foster family.

(xii) Previous experience in providing child foster care, child day care, or adult foster care.

(xiii) Attitude towards accepting a foster child.

(xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.

(xv) Capacity and disposition to give a foster child guidance, love, and affection.

(b) Previous adoption evaluations or placements.

(c) Previous licenses, criminal convictions, and substantiated child abuse or neglect for any member of the household.

(d) Three references from persons not related to the applicants.

(e) A medical statement for each member of the household that indicates that the member has no known condition that would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant or nurse practitioner within the 12-month period before the initial evaluation.

(f) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of fostering as determined by an on-site visit.

(g) The age, number, sex, race, ethnic background, and the special characteristics of children preferred by the applicants.

(h) Training needs of the family.

(4) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications shall include the characteristics, age, sex, race, and number of children preferred by the family, of children best served by the home, and of children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(5) An agency shall inform the applicant that a copy of the initial evaluation is available upon request.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007.

R 400.12311 Placement agreement.

Rule 311. (1) An agency shall have a written placement agreement signed by the foster parent and the agency before initially certifying a foster home for licensure.

(2) The placement agreement shall contain all of the following provisions:

(a) The responsibilities of the agency.

(b) The services to be provided to foster children and the foster family.

(c) The responsibilities of the foster family.

(d) That the foster family has been informed of, and agrees to follow, agency policies and procedures.

(3) An agency shall review the agreement with the foster family at least annually and, when needed, develop a new agreement.

(4) An agency shall give a foster family a copy of the signed current placement agreement.

History: Eff. January 1, 2001.

R 400.12312 Foster parent training.

- Rule 312. (1) An agency shall develop a foster parent training plan with the participation of foster parents.
- (2) The foster parent training plan shall provide for all of the following:
- (a) The individual training needs of the foster parents.
 - (b) Not less than 12 hours of training to be completed not later than the end of the original 6-month licensing period and before the placement of a child. Not more than 6 hours of the orientation may be included as part of the 12 hours of training.
 - (c) Not less than an additional 12 hours of training during the next 2 years after the original licensing period.
 - (d) Not less than 6 hours of training annually after the time periods specified in subdivisions (b) and (c) of this subrule.
- (3) The training specified in subrule (2)(a), (b), and (c) of this rule shall address all of the following areas:
- (a) Characteristics and needs of children.
 - (b) Safe sleep practices for infants.
 - (c) Effective parenting.
 - (d) Behavior management.
 - (e) Importance of the foster child's family.
 - (f) Role of the agency.
 - (g) Emergency procedures, first aid, and fire safety.
 - (h) Preparation of the foster child for independence.
- (4) An agency shall document all training received by each foster parent.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007.

R 400.12313 Reevaluation.

- Rule 313. (1) An agency shall conduct an on-site visit and complete a written reevaluation of a foster home annually.
- (2) The annual reevaluation shall include a determination and assessment of all of the following:
- (a) All changes to the factual information contained in the initial evaluation and subsequent renewal evaluations.
 - (b) Family functioning and interrelationships as determined by observation of, and interviews with, each member of the household and each social service worker who has had children placed in the home during the last licensing period.
 - (c) Training needs of the family.
 - (d) Compliance with the licensing rules for foster homes.
- (3) An agency shall record the dates and places of contacts and persons interviewed or observed as part of a reevaluation.
- (4) An agency shall document placement specifications consistent with the information contained in the reevaluation. Placement specifications shall include the characteristics, age, sex, race, and number of children preferred by the family, of children best served by the home, and of children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (5) An agency shall notify the foster parent that a copy of the reevaluation is available upon request.
- (6) An agency shall complete a reevaluation and shall make a licensing recommendation before the expiration date of the foster home license.

History: Eff. January 1, 2001.

R 400.12314 License recommendation.

- Rule 314. (1) An agency shall recommend to the department the appropriate licensing action based on facts contained in the foster home evaluation and any special evaluations.
- (2) An agency shall document foster home license changes in the foster home record and shall communicate the changes immediately to the department in the manner prescribed by the department.
- (3) Except for an original license, an agency shall recommend to the department the issuance of a regular license only when both of the following conditions exist:
- (a) All noncompliances relating to the recommendation are correctable.
 - (b) A written corrective action plan has been developed. The plan shall be in compliance with all of the following requirements:
 - (i) Specify the methods, the persons responsible, and the time frames for correction.
 - (ii) Require that the corrective action be completed within the period of the license.
 - (iii) Be signed and dated by the foster parent and the agency.
- (4) Except for an original license, an agency shall recommend to the department the issuance of a provisional license only when both of the following conditions exist:
- (a) The agency complies with subrule (3)(a) and (b) of this rule.

- (b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.
- (5) An agency shall recommend to the department the denial of license issuance, the revocation of a license, or the refusal to renew a license only when both of the following conditions exist:
 - (a) The foster parent falsifies information provided during the licensing process or willfully and substantially violates the act, the licensing rules for foster homes, or the terms of the license.
 - (b) The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action.
- (6) An agency shall provide the department with all requested documentation that is related to an agency recommendation or a department licensing action.
- (7) An agency shall participate in, and present facts at, a foster home licensing administrative hearing to support an agency recommendation or a department licensing action.

History: Eff. January 1, 2001.

R 400.12315 Borrowed home.

- Rule 315. (1) Before placing a child in a foster home certified by another agency, an agency shall have a record containing all of the following documents:
- (a) Prior approval from the certifying agency authorizing the placement of a child in the home.
 - (b) Documentation that the foster parent is willing to accept the foster child.
 - (c) A copy of the initial evaluation with written endorsement by the borrowing agency that the evaluation is acceptable.
 - (d) A copy of the current reevaluation with written endorsement by the borrowing agency that the evaluation is acceptable.
 - (e) A list of all children currently placed in the home.
 - (f) Documentation that the foster parent has received orientation to the policies of the borrowing agency.
 - (g) A copy of the placement agreement signed by the foster parent and the borrowing agency.
 - (h) A copy of the current license certification documents from the certifying agency.
 - (i) A copy of all special evaluations completed during the last 2 years.
- (2) The certifying agency is responsible for certification functions, including special evaluations, and shall share all information regarding changes in the home with all agencies that have children in placement in the home.

History: Eff. January 1, 2001.

R 400.12316 Special evaluation.

- Rule 316. (1) An agency shall do both of the following when information is received that relates to possible noncompliance with any foster home rule:
- (a) Notify the department's licensing authority within 5 working days.
 - (b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received, but not later than 7 calendar days after receipt of the information.
- (2) An agency shall inform foster parents of all of the following before they are questioned or interviewed regarding a special evaluation:
- (a) That a special evaluation has been initiated.
 - (b) A clear description of the allegations.
 - (c) That the foster parents have an option to involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.
- (3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension.
- (4) Before completion of the written report required by subrule (5) of this rule, an agency shall provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.
- (5) Upon completion of the evaluation, an agency shall prepare a written report that includes all of the following information:
- (a) The date the information was received.
 - (b) Identification of the information source, unless anonymous or confidential, as specified in Act No. 238 of the Public Acts of 1975, as amended, being §722.621 et seq. of the Michigan Compiled Laws, and known as the child protection law.
 - (c) The allegations.
 - (d) Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their last names shall not be included in the report.
 - (e) Findings of fact, based upon the evaluation.
 - (f) Conclusions regarding licensing rules compliance or noncompliance based on the findings of fact.

(g) Any change in the agency's decision regarding the number, sex, age, race, ethnic background, and specific characteristics of children who may be placed that is based upon the documentation contained in the summary and conclusions of the report.

(h) Recommendations regarding licensing action and any required corrective action.

(6) An agency shall do both of the following:

(a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of its completion.

(b) Inform the foster parent, in writing, that he or she has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.

History: Eff. January 1, 2001.

R 400.12317 Foster home record.

Rule 317. (1) An agency shall maintain a foster home record for each foster home.

(2) The record shall contain all of the following information:

(a) All documents pertaining to certification of the home.

(b) Any special evaluation reports.

(c) Placement agreements between a foster parent and the agency.

(d) A placement list of all children placed in the foster home, including all of the following information about each child:

(i) Name, age, sex, and race of the child.

(ii) Date of placement.

(iii) Date of, and reasons for, a child's removal from the foster home.

(e) Any written response from a foster parent, as provided by R 400.12316(6)(b).

(f) Zoning approval if a foster family group home.

(3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items:

(a) Pending evaluation reports and documents.

(b) Records of privileged communication.

(c) Criminal records, police reports, child protective services information, and social security numbers from any source.

(4) An agency shall maintain records for not less than 3 years after closure.

History: Eff. January 1, 2001.

PART 4. FOSTER CARE SERVICES

R 400.12401 Department authorization.

Rule 401. An agency shall be authorized by the department to receive children for placement in licensed foster homes.

History: Eff. January 1, 2001.

R 400.12402 Program statement.

Rule 402. An agency shall have and follow a current written program statement that includes all of the following information:

(a) Types of foster care provided.

(b) Age, race, ethnic background, and specific characteristics of children served.

(c) Types of services provided to foster children and their families.

(d) Geographical area covered.

History: Eff. January 1, 2001.

R 400.12403. Policy and procedures.

- Rule 403. (1) An agency shall have and follow written policies and procedures for the foster care services provided.
- (2) The policies and procedures shall cover at least all of the following areas:
- (a) Placement.
 - (b) Change of placement.
 - (c) Behavior management.
 - (d) Religion.
 - (e) Mail.
 - (f) Education.
 - (g) Personal possessions, allowance, and money.
 - (h) Clothing.
 - (i) Emergencies.
 - (j) Medical and dental care.
 - (k) Substitute care.
 - (l) Unusual incidents.
 - (m) Hazardous materials.
 - (n) Foster parent information.
 - (o) Service plans.
 - (p) Visitation.
 - (q) Foster care record.
- (3) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.

History: Eff. January 1, 2001.

R 400.12404 Placement.

- Rule 404. (1) An agency shall only place a child in a licensed foster home, except as permitted in R 400.12709.
- (2) An agency's placement of a child in a foster home shall be consistent with the placement specifications for the home.
- (3) An agency shall consider all of the following factors in selecting an appropriate placement for a child:
- (a) The permanency - reunification goal for the child.
 - (b) The physical, emotional, and educational needs of the child.
 - (c) Expressed preferences of the foster child.
 - (d) Placement of the child with relatives.
 - (e) Placement of the child with siblings.
 - (f) The child and child's family's religious preference.
 - (g) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, and other persons significant to the child.
 - (h) The availability of placement resources for the purpose of making a timely placement.
- (4) The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (5) Before the placement of a child, an agency shall prepare the child for placement consistent with the child's age, individual needs, the circumstances necessitating placement, and the special problems presented.
- (6) An agency shall document, in the child's record, within 7 calendar days after placement, the information specified in R 400.12417(1) as well as all of the following information:
- (a) All of the following child characteristics:
 - (i) Sex.
 - (ii) Race.
 - (iii) Height and weight.
 - (iv) Eye color and hair color.
 - (v) Identifying marks.
 - (vi) Religious preference.
 - (vii) School status.
 - (b) Name, known addresses, and marital status of the child's parents or legal guardian, if any.
 - (c) Names, ages, and known addresses of any siblings.
 - (d) Known names, addresses, and dates of any previous out-of-home placements.
 - (e) The date that the agency received the child for placement.
 - (f) The child's legal status and the agency's legal right to provide care.
 - (g) Documentation of the child's placement preparation.

(7) An agency shall make every reasonable effort to maintain a stable foster care placement for each child placed in foster care. The efforts shall be documented in the child's record.

History: Eff. January 1, 2001.

R 400.12405 Change of placement.

Rule 405. (1) An agency shall give first consideration to returning the child to the parent or to placing the child with a relative when a change is indicated.

(2) The agency shall document all of the following in the child's record before a change of placement occurs:

- (a) Reason for the change in placement.
- (b) Supervisory approval before the change.
- (c) If the child is not returned to the parent or placed with a relative, then the reason why return or placement is not possible.
- (d) Replacement preparation appropriate to the child's capacity to understand, which includes an explanation as to why the change is necessary.
- (e) Notification to the parents and referral source of the change in placement.
- (f) Information about the child shared with the new placement.
- (g) The child's new location and address.
- (h) That the current foster parent was notified in writing of the following information:
 - (i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.
 - (ii) Of the current foster parent's rights concerning the change in placement.
- (3) If an emergency change in placement is necessary, then all of the documentation required in subrule (2) of this rule shall be in the child's record within 14 calendar days after the change in placement.
- (4) If an agency is no longer providing services to the child in a foster home, then both of the following shall be documented before a change in placement:
 - (a) A summary of the services provided during care up to the time of the change in placement and the needs that remain to be met.
 - (b) Provision for any continuing services.

History: Eff. January 1, 2001.

R 400.12406 Behavior management policy.

Rule 406. (1) An agency's behavior management policy shall identify appropriate and specific methods of behavior management for foster children.

(2) An agency shall ensure that methods of behavior management for a foster child are positive and consistent, based on each foster child's needs, stage of development, and behavior, and promote self-control, self-esteem, and independence.

(3) All of the following types of punishment of a foster child are prohibited:

- (a) Physical force, excessive restraint, or any kind of punishment inflicted on the body, including spanking.
- (b) Confinement in an area such as a closet or locked room.
- (c) Withholding necessary food, clothing, rest, toilet use, or entrance to the foster home.
- (d) Mental or emotional cruelty.
- (e) Verbal abuse, threats, or derogatory remarks.
- (f) Prohibiting visits or communication with a foster child's family.
- (g) Denial of necessary educational, medical, counseling, or social work services.
- (4) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or property, or to allow the child to gain control of himself or herself.

History: Eff. January 1, 2001.

R 400.12407 Religion policy.

Rule 407. An agency's religion policy shall, at a minimum, ensure that the foster child has the opportunity to receive religious instruction and attend religious services.

History: Eff. January 1, 2001.

R 400.12408 Mail policy.

Rule 408. An agency's mail policy shall ensure that a child may send and receive mail.

History: Eff. January 1, 2001.

R 400.12409 Education policy.

Rule 409. An agency's education policy shall ensure that, within 10 school days of placement, an agency shall provide for the enrollment of each child of school age, as defined by state law, into a school program.

History: Eff. January 1, 2001.

R 400.12410 Personal possessions, allowance, and money policy.

Rule 410. An agency's personal possessions, allowance, and money policy shall, at a minimum, address both of the following:

- (a) Payment of, and accounting for, allowance, social security benefits, and other benefits to a foster child.
- (b) Assuring that a child has a right to have his or her personal possessions during placement with a foster family and when leaving the foster family.

History: Eff. January 1, 2001.

R 400.12411 Clothing policy.

Rule 411. An agency's clothing policy shall, at a minimum, ensure that each foster child has a sufficient amount of clothing that is appropriate as to size and season and that is in good repair.

History: Eff. January 1, 2001.

R 400.12412 Emergency policy.

Rule 412. (1) An agency's emergency policy shall, at a minimum, contain provisions for ensuring that a foster parent has agency-approved written procedures for each of the following emergencies:

- (a) Fire.
 - (b) Tornado.
 - (c) Serious accident or injury.
- (2) An agency shall approve the written evacuation plan for a foster home that provides care for a person who requires assistance to evacuate the home.

History: Eff. January 1, 2001.

R 400.12413 Medical and dental care policy.

Rule 413. (1) An agency's medical and dental care policy shall, at a minimum, include all of the following:

- (a) The provision of routine medical care.
- (b) The provision of emergency medical, surgical, and dental care.
- (c) A physical examination for each child as follows, unless a greater frequency is medically indicated:
 - (i) For a child under 2 years of age, a physical examination shall have been completed within 3 months before being placed in foster care or a new physical examination shall be completed within 30 calendar days after being placed in foster care.
 - (ii) For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.
 - (iii) A physical examination every 14 months.
- (d) Current immunizations for each child as required by section 5111 of Act No. 368 of the Public Acts of 1978 as amended, being §333.5111 of the Michigan Compiled Laws. A statement from a parent or licensed medical authority which indicates that immunizations are current or contraindicated is sufficient documentation of immunizations. If documentation of immunization is unavailable, then immunizations shall begin within 30 calendar days of placement.
- (e) The provision of any dental treatment necessary for a child who is less than 4 years of age.
- (f) The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:

- (i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.
- (ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.
- (2) An agency shall document all medical and dental care received by a foster child.

History: Eff. January 1, 2001.

R 400.12414 Substitute care policy.

Rule 414. An agency's substitute care policy shall, at a minimum, contain provisions for all of the following:

- (a) Qualifications for substitute caregivers.
- (b) Conditions under which substitute care may be utilized.
- (c) Notification of the agency, by the foster parent, before the beginning of any planned absence which requires substitute care for a period of 24 hours or more.
- (d) Notification of the agency, by the foster parent, within 24 hours of any unplanned absence which requires substitute care for a period of 24 hours or more.

History: Eff. January 1, 2001.

R 400.12415 Unusual incident policy.

Rule 415. (1) An agency's unusual incident policy shall, at a minimum, include agency notification to the foster child's parents and the responsible agency of any of the following incidents within 24 hours of knowledge of the incident:

- (a) When a foster child is missing from a foster home.
- (b) Any illness or injury that requires hospitalization of a foster child.
- (c) A foster child's involvement with law enforcement authorities.
- (d) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.
- (2) The policy shall require that the agency immediately notifies all of the following entities of the death of a foster child:
 - (a) The child's parents.
 - (b) The referring agency.
 - (c) The department licensing authority.

History: Eff. January 1, 2001.

R 400.12416 Hazardous materials policy.

Rule 416. An agency's hazardous materials policy shall, at a minimum, contain both of the following provisions:

- (a) Dangerous and hazardous materials, objects, or equipment that may present a risk to children placed in the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.
- (b) Firearms shall be trigger-locked or fully inoperable and stored without ammunition in a locked area. Ammunition shall be stored in a separate locked location. A handgun shall be registered. Documentation of the registration of the handgun shall be available for review.

History: Eff. January 1, 2001.

R 400.12417 Foster parent information.

Rule 417. (1) An agency shall provide a foster parent with all of the following information before the placement of a child:

- (a) Child's name.
- (b) Child's date of birth.
- (c) Available known information about the child's health.
- (d) Any known history of abuse or neglect of the child.
- (e) All known emotional and psychological problems of the child.
- (f) All known behavioral problems of the child.
- (g) Circumstances necessitating placement of the child.
- (h) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.
- (i) Name of assigned social service worker.
- (j) Authorization to provide routine and emergency medical care.

(2) For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the information shall be provided to the foster parent within 7 calendar days of the placement.

History: Eff. January 1, 2001.

R 400.12418 Service plans; initial and updated.

Rule 418.(1) An agency shall complete written service plans for each child as follows:

- (a) Within 30 calendar days after the initial placement by the agency.
 - (b) Within 90 calendar days after the initial service plan and at least once every 90 calendar days after the initial service plan.
 - (2) An agency shall place service plans in the case record and review The plans with foster parents. The agency shall inform the foster parent that the information in the plan and any other information about the child and the child's family is confidential.
 - (3) An agency shall develop service plans with the child, the child's parents or legal guardian, the referring agency, and other parties involved in providing needed services, unless the agency documents why any of the entities cannot be involved.
 - (4) An agency shall involve the foster parents in the development of service plans to enable the foster parents to understand the plan for the child and the foster parent's role in assisting the agency in carrying out the plan.
 - (5) The initial service plan shall include all of the following information:
 - (a) Dates, types, and places of agency contacts and persons contacted.
 - (b) Circumstances necessitating placement.
 - (c) Assessment of the placement selection criteria as required under R 400.12404.
 - (d) A social history pertinent to the circumstances necessitating placement that assesses the child and all persons constituting the child's significant family.
 - (e) A plan that has as its goal reunification of the child with his or her family or another goal of permanent placement.
- The plan shall include all of the following information:
- (i) The permanency goal for the child.
 - (ii) The conditions necessary to achieve the permanency goal identified in paragraph (i) of this subdivision.
 - (iii) Action steps and time frames to achieve the necessary conditions identified in paragraph (ii) of this subdivision.
 - (iv) The persons responsible for implementing the action steps identified in paragraph (iii) of this subdivision.
 - (v) Projected length of placement in foster care.
 - (f) Plans for visits between the child, the child's family, and any other person.
 - (g) The child management plan to be used by the foster parent.
- (6) An updated service plan shall include all of the following information:
- (a) Dates, types, and places of agency contacts and persons contacted.
 - (b) Confirmation that the child's current foster home continues to appropriately meet the placement needs of the child.
 - (c) A summary of information pertinent to the updated services plan received since the last service plan from the child, the child's parents or legal guardian, foster parents, referring agency, and others, unless the agency documents why any of these entities cannot be involved.
 - (d) Assessment of progress in achieving the permanency goal for the child.
 - (e) A plan which includes any changes made since the previous plan and which has the content specified in subrule (5)(e)(i to v) of this rule.
 - (f) Plans for visits between the child, the child's family, and any other person.
 - (g) A child management plan which includes any changes made since the previous plan and which is to be used by the foster parents.

History: Eff. January 1, 2001.

R 400.12419 Visitation.

Rule 419. (1) An agency shall develop a plan of visitation for each child in foster care consistent with the child's service plans, as required by R 400.12418.

- (2) An agency social service worker shall personally visit each foster child at least once each month.
- (3) An agency social service worker shall visit the foster child and the foster parent in the foster parent's home at least once every other month.
- (4) An agency may reduce visits to a child to once every 90 days if there is documentation in the service plan that a child's placement in a foster home is a permanent placement. Visits shall occur in the foster home.

History: Eff. January 1, 2001.

R 400.12420 Foster care record.

Rule 420. (1) An agency shall maintain a record for each child in its foster care program.

(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.

(3) The record shall contain all of the following information:

- (a) Initial service plan.
- (b) Any required updated service plans.
- (c) Medical and dental records.
- (d) Placement documentation as required by R 400.12404.
- (e) Change of placement documentation as required by R 400.12405.
- (f) Plan of visitation as required by R 400.12419.

(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the child.

History: Eff. January 1, 2001.

PART 5. INDEPENDENT LIVING SERVICES**R 400.12501 Department authorization.**

Rule 501. An agency shall be authorized by the department to supervise independent living placements.

History: Eff. January 1, 2001.

R 400.12502 Program statement.

Rule 502. (1) An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of living arrangements approved.
- (b) Eligibility requirements for a youth, including age and level of physical, emotional, and intellectual functioning.
- (c) Services provided.
- (d) Means of financial support for the youth.
- (e) Supervision.
- (f) Educational and vocational requirements.
- (g) Medical and dental care.
- (h) Basis for termination.

(2) An agency shall give a copy of the program statement to a youth before placement in independent living.

History: Eff. January 1, 2001.

R 400.12503 Policy and procedures.

Rule 503. (1) An agency shall have and follow written policies and procedures for the independent living services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Placement.
- (b) Supervision.
- (c) Education.
- (d) Medical care.
- (e) Termination.
- (f) Independent living record.

(3) An agency shall provide a youth in independent living with a copy of the agency's policies and procedures required by the rule.

History: Eff. January 1, 2001.

R 400.12504 Placement.

Rule 504. (1) An agency shall document the reason for selection of independent living as the most appropriate placement for the youth.

- (2) All of the following shall be in the case record before a youth is placed in independent living:
 - (a) The basis for concluding that a youth exhibits self-care potential.
 - (b) That the youth's social service worker has personally observed and determined that the living situation is safe.
 - (c) The availability of specific and relevant resources that may provide for suitable social, physical, vocational, and emotional needs of a youth.
 - (d) An evaluation of a youth's need for supervision.
 - (e) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.

History: Eff. January 1, 2001.

R 400.12505 Supervision.

Rule 505. (1) An agency shall provide supervision for a youth in independent living consistent with the youth's need for supervision, as required by R 400.12504(2)(d).

- (2) An agency shall provide the following minimum supervision:
 - (a) Face-to-face contact between the social service worker and the youth in independent living at least once each month at a youth's place of residence.
 - (b) At monthly intervals, ensure that the youth is complying with the terms of the contract required by R 400.12509(2)(k), continues to reside in a safe and acceptable environment, and is managing expenditures.
 - (c) Provide the youth with a telephone number to contact the agency on a 24-hour, 7-days-a-week basis.

History: Eff. January 1, 2001.

R 400.12506 Education.

Rule 506. An agency shall ensure that a youth in independent living is working full-time, actively involved in job training or continuing education, or a combination of work and education.

History: Eff. January 1, 2001.

R 400.12507 Medical care.

Rule 507. An agency shall ensure that a youth in independent living receives any needed medical and dental care. Medical and dental care provided shall be documented in the youth's record.

History: Eff. January 1, 2001.

R 400.12508 Termination.

Rule 508. (1) When an agency terminates its independent living services for a youth, the agency shall document all of the following information in the case record within 30 calendar days of termination of its services:

- (a) The reason for the termination.
- (b) The youth's new location.
- (c) A summary of the services provided during care and the needs that remain to be met.
- (d) Provision for any follow-up services.
- (2) An agency shall ensure and document that each youth who ends independent living is provided with all of the following:
 - (a) Basic information about health, housing, counseling services, and emergency resources.
 - (b) A birth certificate.
 - (c) A social security card.
 - (d) The youth's funds and personal property.

History: Eff. January 1, 2001.

R 400.12509 Independent living record.

- Rule 509. (1) An agency shall maintain a case record for each youth placed in independent living.
- (2) The case record shall contain all of the following information and documentation, which shall be recorded within 30 calendar days after placement in independent living and updated at least once every 90 calendar days:
- (a) All of the following personal information pertaining to the youth:
 - (i) Name.
 - (ii) Social security number.
 - (iii) Address and telephone number.
 - (iv) Date of birth.
 - (v) Sex.

- (vi) Race.
- (vii) Height.
- (viii) Weight.
- (ix) Hair color.
- (x) Eye color.
- (xi) Identifying marks.
- (xii) A photograph updated on an annual basis.
- (b) Documentation of the agency's legal right to place a youth.
- (c) The names, addresses, dates of birth, and social security numbers of the youth's parents, if any.
- (d) The names, dates of birth, and addresses of the youth's siblings, if any.
- (e) The names and addresses of any offspring.
- (f) The names and addresses of any other significant persons.
- (g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.
- (h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.
- (i) Current adjustment.
- (j) The youth's relationship with family members and agency efforts to resolve family conflicts.
- (k) A mutually agreed upon contract between the youth and the agency which specifies the responsibilities of the agency and the youth and which is signed and dated by the youth and the social service worker. The contract shall be reviewed and updated at least once every 90 calendar days and a copy provided to the youth.
- (3) An agency shall maintain the record for not less than 3 years after the agency's termination of services to the youth.

History: Eff. January 1, 2001.

PART 6. ADOPTION EVALUATION SERVICES

R 400.12601 Department authorization.

Rule 601. An agency shall be authorized by the department to evaluate applicants for adoption.

History: Eff. January 1, 2001.

R 400.12602 Program statement.

Rule 602. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

- (a) Eligibility requirements for adoptive parents.
- (b) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services within and outside the agency and shall differentiate between the charges that are refundable and the charges that are not refundable.
- (c) Services and functions provided directly or indirectly.
- (d) Geographical area covered.
- (3) An agency shall provide the statement to all persons making inquiry about the agency's services.

History: Eff. January 1, 2001.

R 400.12603 Policy and procedures.

Rule 603. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Orientation.
- (b) Adoptive evaluation.
- (c) Agency recommendation.
- (d) Intercountry services.
- (e) Adoption evaluation record.

History: Eff. January 1, 2001.

R 400.12604 Orientation.

Rule 604. A social service worker shall provide an orientation for prospective applicants for adoption before an adoptive evaluation is conducted. The orientation shall include a review of all of the following:

- (a) Program statement, policies, and procedures.
- (b) Services and resources available.
- (c) Fees and charges for services.

History: Eff. January 1, 2001.

R 400.12605 Adoptive evaluation.

Rule 605. (1) An agency shall complete a written report of an adoptive evaluation. The evaluation shall be conducted by a social service worker.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

(a) Visits at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all of the following:

(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.

(ii) Educational history and any special skills and interests.

(iii) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.

(iv) Physical, mental, and emotional health of each member of the household.

(v) Any history of substance abuse of each member of the household.

(vi) Parenting skills and attitudes toward children.

(vii) Methods of discipline of children.

(viii) Adjustment and special needs of the applicant's own children.

(ix) Strengths and weaknesses of each member of the household.

(x) Experiences with own parents and any history of out-of-home care.

(xi) Reasons for adopting.

(xii) Previous experience in providing child foster care, child day care, or adult foster care.

(xiii) Attitude towards accepting an adoptive child.

(xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of an adopted child.

(xv) Capacity and disposition to give an adopted child guidance, love, and affection.

(b) Previous adoption evaluations or placements.

(c) Previous licenses, criminal convictions, and substantiated child abuse or neglect for any member of the household.

(d) Three references from persons not related to the applicants.

(e) A medical statement for each member of the household that indicates that the member has no known condition that would affect the care of an adoptive child. The statement shall be signed by a physician, physician's assistant or nurse practitioner within the 12-month period before the adoptive evaluation.

(f) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of adoption as determined by an on-site visit.

(g) The age, number, sex, race, ethnic background, and special characteristics of children preferred by the applicants and the family's plan to discuss adoption with any child adopted.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007.

R 400.12606 Agency recommendation.

Rule 606. (1) An agency shall make a written recommendation based on the findings of the adoptive evaluation with respect to both of the following:

(a) Approval or denial of the applicants for adoption by a social service supervisor.

(b) If approved, the number, sex, age, race, ethnic background, and special characteristics of adoptive children who may be placed in the adoptive applicant home. A child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.

(2) If an agency concludes that an individual is not suitable to be approved, then the basis for the decision shall be specified in the recommendation.

(3) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.

History: Eff. January 1, 2001.

R 400.12607 Intercountry services.

Rule 607. If an agency assists a Michigan family with an evaluation prepared specifically for the adoption of a child born outside the United States, then the agency shall comply with all of the following provisions:

(a) The agency shall include in its program statement, under R 400.12602, a description of intercountry adoptive evaluation services provided.

(b) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country and the regulations issued by that country for adoptions by foreigners shall be kept on file at the agency and shall be made available for review by persons considering adopting from the country.

(c) If an agreement exists between a foreign government and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, the state of Michigan, and the foreign country.

(d) If the agency has persons working in the foreign country for purposes of assisting prospective adoptive families, then the persons are considered staff of the agency.

History: Eff. January 1, 2001.

R 400.12608 Adoption evaluation record.

Rule 608. (1) An agency shall retain a case record for each applicant for adoption.

(2) The record shall contain all of the following:

(a) Orientation documentation as required by R 400.12604.

(b) Adoptive evaluation as required by R 400.12605.

(c) Agency recommendation as required by R 400.12606.

(3) An agency shall retain each record for not less than 3 years after the agency's termination of services to the applicant.

(4) If a branch or associate office of a child-placing agency ceases to operate, then the branch's or office's adoption records shall be forwarded to the central office of the branch or associate office.

History: Eff. January 1, 2001.

PART 7. ADOPTION PLACEMENT SERVICES

R 400.12701 Department authorization.

Rule 701. An agency shall be authorized by the department to receive children for placement with adoptive parents.

History: Eff. January 1, 2001.

R 400.12702 Program statement.

Rule 702. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

(a) Types of adoptions provided by the agency.

(b) Procedures for selecting adoptive parents for a child, including the role of the child's parent or guardian in the selection process.

(c) The extent to which the agency permits or encourages exchange of identifying information or contact between biological and adoptive parents.

(d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services within and outside the agency and shall differentiate between the charges that are refundable and the charges that are not refundable.

(e) Services and functions provided directly or indirectly, including both of the following:

(i) Counseling services and any other available services to a person who is releasing a child for adoption.

- (ii) Post-finalization services or counseling services provided to adoptive parents or to the adoptee.
- (f) Geographical area covered.
- (3) An agency shall provide the statement to all persons making inquiry to release a child for adoption and to prospective adoptive parents.

History: Eff. January 1, 2001.

R 400.12703 Policy and procedures.

- Rule 703. (1) An agency shall have and follow written policies and procedures for the adoption services provided.
- (2) The policies and procedures shall cover all of the following areas:
- (a) Safeguarding rights.
 - (b) Release.
 - (c) Recruitment.
 - (d) Orientation.
 - (e) Evaluation.
 - (f) Placement.
 - (g) Adoptive parent information.
 - (h) Supervision.
 - (i) Intercountry services.
 - (j) Adoption placement record.

History: Eff. January 1, 2001.

R 400.12704 Safeguarding rights.

- Rule 704. An agency shall prescribe safeguards relating to the needs and rights of all of the following entities:
- (a) Birth parents who are considering release of a child for adoption.
 - (b) The child who becomes available for adoption.
 - (c) The adoptive parents who apply to adopt or adopt a child.

History: Eff. January 1, 2001.

R 400.12705 Release.

- Rule 705. (1) An agency social service worker shall provide an orientation for birth parents before the birth parents release their rights to a child.
- (2) The orientation shall include a review of all of the following:
- (a) Program statement, policies, and procedures.
 - (b) Legal process for adoption.
 - (c) Services and resources available.
 - (d) Meaning and consequences of a release.

History: Eff. January 1, 2001.

R 400.12706 Recruitment.

- Rule 706. (1) An agency shall have an ongoing recruitment program to ensure an adequate number of suitable adoptive parents for the timely placement of all children available for adoption.
- (2) An agency shall base recruitment on all of the following criteria:
- (a) Ages and developmental needs of children.
 - (b) Racial identity of children.
 - (c) Sibling relationships of children.
 - (d) Special needs of children.

History: Eff. January 1, 2001.

R 400.12707 Orientation.

- Rule 707. An agency social service worker shall provide and document an orientation for the adoptive parents before they are determined suitable to parent an adopted child. The orientation shall include a review of all of the following areas:
- (a) Program statement, policies, and procedures.
 - (b) Needs and characteristics of children available for adoption.

- (c) Legal process for adoption.
- (d) Services and resources available.
- (e) Fees and charges for services.

History: Eff. January 1, 2001.

R 400.12708 Evaluation.

Rule 708. An agency shall have on file a written adoption evaluation and agency recommendation as required under R 400.12605 and R 400.12606 before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.

History: Eff. January 1, 2001.

R 400.12709 Placement.

Rule 709. (1) An agency shall consider all of the following factors in selecting appropriate adoptive parents for a child:

- (a) The physical, emotional, medical, and educational needs of the child.
 - (b) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.
 - (c) The racial, ethnic, and cultural identity, heritage, and background. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (2) An agency shall place a child with agency-approved adoptive parents consistent with the needs of the child identified in subrule (1) of this rule and the agency's adoptive parent recommendation as required by R 400.12708.
- (3) An agency shall require a social service supervisor, or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement by the social service worker. The approval shall be documented in the record.
- (4) A public or private agency may place a child in an unlicensed home for the purposes of adoption if all of the following conditions have been met:
- (a) The adoptive parents have received orientation in accordance with the requirements of R 400.12707.
 - (b) The evaluation of the prospective adoptive parents has been completed in accordance with the requirements of R 400.12605.
 - (c) Supervisory approval of the placement has been documented in accordance with the requirements of subrule (3) of this rule.
 - (d) The adoptive petition has been filed with the court.
- (5) The provisions of this rule do not prohibit a temporary placement made under section 23d of chapter X of Act No. 288 of the Public Acts of 1939, as amended, being §710.23d of the Michigan Compiled Laws.

History: Eff. January 1, 2001.

R 400.12710 Adoptive parent information.

Rule 710. (1) An agency shall provide adoptive parents with all of the following information before the placement of a child:

- (a) Child's name.
 - (b) Date, time, and place of birth including hospital, city, state, and country.
 - (c) Medical, social, and educational history of the child.
 - (d) Child's racial, ethnic, and religious background.
 - (e) Description of the child's family of origin, including age and sex of family members, relationship to the child, and medical, social, and educational history of each member of the family.
 - (f) Circumstances necessitating placement of the child.
 - (g) Child's preparation for placement and attitude toward the adoption.
 - (h) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.
- (2) An agency shall provide adoptive parents with any additional information that becomes available to the agency after the placement of the adoptive child.

History: Eff. January 1, 2001.

R 400.12711 Supervision.

Rule 711. (1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every 3 months, after the placement of a child and until the final order of adoption.

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, shall include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

History: Eff. January 1, 2001.

R 400.12712 Intercountry services.

Rule 712. An agency that assists with the adoption of a child born outside the United States shall comply with all of the following provisions:

(a) The agency shall include in its program statement, under R 400.12702, a description of intercountry adoptive placement services provided.

(b) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country and the regulations issued by that country for adoptions by foreigners shall be kept on file at the agency and shall be made available for review by persons considering adopting from the country.

(c) If an agreement exists between a foreign government and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, the state of Michigan, and the foreign country.

(d) If the agency has persons working in the foreign country for purposes of facilitating adoptive placements, then the persons are considered staff of the agency.

History: Eff. January 1, 2001.

R 400.12713 Adoption placement record.

Rule 713. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.

(2) The record shall contain all of the following:

(a) Orientation documentation as required by R 400.12707.

(b) Evaluation documentation as required by R 400.12708.

(c) Placement documentation as required by R 400.12709.

(d) Supervision documentation as required by R 400.12711.

(3) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(4) If a child-placing agency ceases to operate, then the agency shall forward its records to the Michigan family independence agency.

History: Eff. January 1, 2001.

QUANTITY: 10,000
COST: \$5,077.91 (.51 ea.)
APPROVAL: DHS Director

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